



**MINUTES**  
**Planning Commission Meeting**  
**Tuesday, December 17, 2019 City Hall-**  
**Council Chambers, 39250 Pioneer Blvd.,**  
**Sandy, Oregon 97055 7:00 PM**

**COMMISSIONERS PRESENT:** Ron Lesowski, Commissioner, Hollis MacLean-Wenzel, Commissioner, Jerry Crosby, Commissioner, John Logan, Commissioner, Chris Mayton, Commissioner, and Todd Mobley, Commissioner

**COMMISSIONERS ABSENT:** Don Carlton, Commissioner

**STAFF PRESENT:** Kelly O'Neill, Development Services Director and Emily Meharg, Associate Planner, City Attorney David Doughman

**MEDIA PRESENT:**

- 1. Roll Call**
- 2. Requests From the Floor - Citizen Communication on Non- Agenda Items**  
None
- 3. OLD BUSINESS**  
None
- 4. NEW BUSINESS**

**4.1. Bailey Meadows Subdivision (19-023 SUB/VAR/TREE):**

Chairman Crosby introduced staff, the Commission, and explained the public hearing process to the audience.

Chairman Crosby opened the public hearing on File No. 19-023 SUB/VAR/TREE at 7:04 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commissioners. Crosby explained that the decision tonight is only a recommendation to City Council.

Commissioner Mobley recused himself as the applicant's transportation engineer.

Commission Logan asked a question about ex-parte contact. Attorney Doughman provided advice on ex-parte contact.

**Staff Report:**

Development Services Director Kelly O'Neill Jr. summarized the staff report and addressed the background, factual information, and presented a brief slide show. Attorney Doughman provided additional information regarding the procedure, a summary of where the review is at and what he finds are the next steps.

The Commission decided they will grant the continuance. The Commission discussed that holding a meeting on January 27, 2020 will be difficult as several of the Commissioners are unavailable.

**Applicant Testimony:**

Mike Robinson  
1211 SW 5th Ave, Suite 1900  
Portland, OR 97204

Mr. Robinson provided a brief background of where the applicant and city are at in the process. The applicant volunteered to apply for a UGB expansion to include Gunderson Road, and has met with several state agencies and City staff. The applicant has requested an extension to work on the UGB expansion application and for staff to work on the code analysis for the subdivision.

**Proponent Testimony:**

None

**Opponent Testimony:**

Anthony (Tony) Profitt  
18306 Grey Avenue  
Sandy, OR 97055

Mr. Profitt stated that this subdivision is going to add traffic to the Nicolas Glen subdivision and is concerned with traffic that will impact children. Stated he does not believe that Gunderson Road will be the primary road into the subdivision. Wants to work cooperatively. When he moved into Nicolas Glen he knew the property to the south of Nicolas Glen would be eventually developed. Melissa Avenue gets icy and unsafe in the winter.

Makoto Lane  
37828 Rachel Drive  
Sandy, OR 97055

Mr. Lane opposes vehicular traffic into Nicolas Glen and would rather Bailey Meadows only connect to HWY 211. He does not want the safety of children put at risk. Stated the developer does not own the land and that the landowner will only develop the land if they obtain development entitlements.

Richard Sheldon  
37522 Rachel Drive  
Sandy, OR 97055

Mr. Sheldon spoke about safety issues in the existing subdivision. Wants a park in the Bailey Meadows subdivision. The developer at the September public meeting stated they would explore a UGB expansion. Noticed a crash analysis in the packet and noticed that the intersection of Dubarko Road and HWY 211 was not analyzed. Mentioned safety issues with icy roads in Nicolas Glen. He also referenced a letter from Curran-McLeod and stated some of the findings from the letter. He also brought up concerns over the "if approved" language, which he believes gives the developer an out. He wants the secondary access to be a required condition. The applicant does not have the community's interest at mind and is completing the subdivision only for profit. Requests that the record not be closed.

Cary Mallon  
37537 Rachel Drive  
Sandy, OR 97055

Mr. Mallon stated that Melissa Avenue is not adequate for the proposed subdivision. This property was doomed 20 years ago when Melissa Avenue was designed so narrow and not for additional growth to the south.

Kathleen Walker  
15920 Bluff Road  
Sandy, OR 97055

Ms. Walker appreciates the public comment period is being extended and is confused why there is not a full staff report yet. Believes the developer has good intentions, but that we need clear transportation connections and a park and believes that can be completed with the developer still making money. The developer makes a lot of arguments that City code does not apply, quotes standards not being clear and objective, and quotes needed housing as a basis. She believes needed housing is only related to needed affordable housing. Buildable lands inventory does not supersede parkland dedication. The existing development code is very clear that parkland dedication can be

required by the City of Sandy. Ms. Walker detailed the parkland dedication requirements and how they should relate to this subdivision proposal. Accepting the fee in-lieu is not fiscally prudent. The additional road access is necessary. The city should not consider horse trading or other negotiations.

Gigi Duncan  
18275 Rachael Drive  
Sandy, OR 97055

Ms. Duncan said that houses that exceed 400 thousand dollars are not affordable and not needed housing. Agrees with Ms. Walker that parkland should be dedicated. Believes that if the developer uses Melissa Avenue it will be unsafe for children and other people living in the existing subdivision. Believes the condition should be that if Gunderson Road is not extended the subdivision should be denied. Would like to see all Planning Commissioners participate in the January hearing. Sandy is a great place to live, it is safe, and there are a lot of families. Melissa Avenue was not designed to accommodate a bunch of traffic.

Erin Findlay  
37616 Rachel Drive  
Sandy, OR 97055

Ms. Findlay said she wants the record to remain open. From the start of the process with the proposed subdivision the main concern has been safety. One access into the subdivision is appalling. Would like parkland to be dedicated. There is good intention in the City code and hopes that money is not dictating all of the decisions. Fence lines are not determined yet and is concerned that issues need to be clarified before the subdivision proceeds.

Don Robertson  
38412 Juniper Street  
Sandy, OR 97055

Mr. Robertson stated he is speaking on behalf of the Sandy Parks and Trails Advisory Board. He read Section 17.86.10 of the Sandy Development Code. Referenced the 1997 Parks Master Plan and other master plan references from a letter he is submitting into the record. It is the city's discretion, not the developer's discretion on whether parkland is dedicated, or parks fee in-lieu is paid. The feasibility of the parkland dedication is very possible as the land is flat, and no major waterways or wetlands exist.

Tim Sellin  
18256 Melissa Avenue  
Sandy, OR 97055

Mr. Sellin has concerns with the construction phase for Bailey Meadows and how that will impact existing residents on Melissa Avenue. He believes there has to be 3.4 acres of parkland dedicated. Would like to see a gate at the end of Melissa Avenue going into the proposed subdivision that could be opened during emergencies.

Maria DeBatty  
37176 Rachael Drive  
Sandy, OR 97055

Ms. DeBatty is concerned with construction traffic, closure of Melissa Avenue, and the potential utility trench. She has talked with the Fire Marshall and Fire Chief extensively about emergency access and fire concerns. There is a trailer blocking the emergency fire exit in Nicolas Glen and overgrown vegetation in the emergency lane. The Nicolas Glen neighborhood is upset and does not have adequate details on the proposal. It seems a lot of issues have not been resolved and the developer keeps adding other information. Thinks the whole thing is ridiculous.

Mike Schell  
37524 Rachel Drive  
Sandy, OR 97055

Mr. Schell stated that parkland dedication should be considered. Public safety is a huge concern and asked the Planning Commission to strongly consider how this subdivision will impact the existing neighborhood. People need a place to play.

Laura Kvamme  
37438 Rachel Drive  
Sandy, OR 97055

Ms. Kvamme stated that the amount of traffic being proposed is concerning. It seems that people in the new subdivision will use Melissa Avenue as a shortcut to Fred Meyer and other shopping areas. Degradation of Melissa Avenue is a huge concern and believes that Melissa Avenue has issues with ice. Wants to make sure that the subdivision is conditioned to install Gunderson Road at the start of construction, prior to Melissa Avenue being torn up.

Kelli Acord  
38897 Cascadia Drive  
Sandy, OR 97055

Ms. Acord stated she represents Student Transportation of America. She said that the existing situation is already problematic as the existing streets are

narrow. The roads are not large enough to accommodate large pickups parked on the streets and buses driving down the streets. This is the first-time hearing about Gunderson Road being proposed. Stated that staff is always free to talk with Student Transportation of America.

Carol Cohen  
37537 Rachel Drive  
Sandy, OR 97055

Ms. Cohen stated it's amazing how this has brought the community together. Parkland dedication is very important and doesn't think the developer should be allowed to just write a check. Safety is a huge issue especially with how steep and icy Melissa Avenue gets.

Mark Miller  
37777 Ponder Land  
Sandy, OR 97055

Mr. Miller has a wetland or spring that forms and runs into the proposed development. Also, there is an issue with stormwater leaving HWY 211 and entering the subject property. Noted that both could cause issues for the future construction of Gunderson Road. Has questions and concerns with the proposed stormwater location. AKS has been surveying the site and causing issues on HWY 211.

**Neutral Testimony**

Robert Fisher  
38100 Sandy Heights Street  
Sandy, OR 97055

Mr. Fisher stated we need to look at this issue rationally and come to a positive solution for everyone. Proceed with caution. Has concerns with Gunderson Road intersecting with HWY 211.

Brad Robison  
37412 Rachel Drive  
Sandy, OR 97055

Mr. Robison stated the codes and rules have been designed so that if impacts happen to the community as a whole those impacts are often overlooked and cannot be analyzed. Also stated he is pursuing a claim of adverse possession on a property line dispute with the Bailey Meadows property.

Les Geren  
37721 Ponder Lane

Sandy, OR 97055

Mr. Geren uses Ponder Lane for large deliveries. Wants to assure that Ponder Lane is left open or an alternative route accommodates large vehicles.

Calvin Mckinnis  
37551 HWY 211  
Sandy, OR 97055

Mr. Mckinnis farms a lot of acreage around the subject area and drives tractors on HWY 211. He is in favor of anything that will improve HWY 211. Concerned about children playing in the woods and creek, destroying fences and letting cattle off his property.

**Staff Recap:**

Mr. O'Neill stated that there was a lot of good testimony some of which will be addressed by staff at the January meeting. Staff will deliberate further at the January meeting once the full code analysis has been complete, the applicant completes their presentation, and the public has a chance to testify again. Mr. Doughman explained ex-parte contact with Commissioners in greater detail. Mr. O'Neill stated that city staff is always available to talk and that ex-parte rules do not apply to city staff.

Commissioners Crosby and Maclean-Wenzel thanked the public and stated the earlier you send comments to the Commissioners the better.

**Applicant Rebuttal:**

Mr. Robinson stated he is happy everyone came to the hearing and reserves their additional testimony for the January meeting.

**Discussion:**

The Planning Commission decided to continue the hearing to January 23, 2020.

**Motion:** Motion to continue the public hearing to January 23, 2020 at 6:30.

Moved By: Commissioner Logan

Seconded By: Commissioner Maclean-Wenzel

Yes votes: Lesowski, Maclean-Wenzel, Crosby, Logan, and Mayton

No votes: None

The motion passed at 9:03 PM

**5. Items from Commission and Staff**

Mr. O'Neill explained the Council decisions from the December 16, 2019 City Council meeting, talked about upcoming meetings, the new associate planner being hired,

Emily Meharg's promotion to senior planner, and a few logistical items.

**6. Adjourn**

**Motion:** To adjourn

Moved By: Commissioner Maclean- Wenzel

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 9:19 p.m.



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Chair, Jerry Crosby



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Planning Director, Kelly O'Neill Jr